

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GISSELLE RUIZ,
 individually and on behalf of all others
 similarly situated,

 Plaintiff

 v.

 BALLY TOTAL FITNESS HOLDING CORP.,
 a Delaware Corporation, and
 HOLIDAY UNIVERSAL, INC.
 a Delaware Corporation,

 Defendants

Civil Action No.
 05-11052-NMG

**PLAINTIFF'S ASSENTED TO MOTION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS**

Plaintiff hereby requests an additional period of 21 days to respond to Defendants' Motion to Dismiss Plaintiff's First Amended Class Action Complaint. Local Rule 7.1(b)(2) requires that a response to a motion be filed within 14 days after service, which makes the response date to Defendants' motion January 13, 2006. Plaintiff seeks an extension of time to file up to and including February 3, 2006.

In support of this motion, Plaintiff asserts that Defendant had approximately 150 days from service of Plaintiff's First Amended Complaint to prepare its Motion to Dismiss, including a 30 day extension with the consent of the Plaintiff. [Docket No. 11]. In light of the dispositive nature of the Motion filed by the Defendants, Plaintiff seeks an extension in order to file a thorough and complete response. Finally, Plaintiff notes that the Christmas and New Years holidays, as well as scheduled vacation days associated

with those holidays, have reduced the time available to her to prepare a complete response.

On January 11, 2006, Plaintiff's Counsel communicated with Howard Cooper, Esquire, of Todd & Weld LLP, representing the Defendants. Mr. Cooper assented to this motion and authorized counsel to so state herein.

Respectfully submitted,

GISELLE RUIZ,

Plaintiff,

By her counsel,

BALLY TOTAL FITNESS HOLDING
CORP. and HOLIDAY UNIVERSAL INC.,

Defendants,

By their counsel,

/s/ John Roddy

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Date: January 12, 2006